

COUNTY OF YORK

MEMORANDUM

DATE: March 4, 2004 (BOS Mtg. 3/16/04)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-635-04, Berrane Enterprises, Inc.

ISSUE

This application requests a minor modification of a Special Use Permit, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, to authorize a second extension of the expiration date for a use permit authorizing the establishment of a mini-storage warehouse facility on a 5.83-acre parcel located at 905 Denbigh Boulevard (Route 173) approximately 917 feet east of the Newport News city line and further identified as Assessor's Parcel No. 28-(1)-A. The use permit was originally approved in 2001 and its term was extended for an additional year in 2003. Due to continued delays in the construction of utilities to serve the area, the applicant has requested an additional extension.

DESCRIPTION

- Property Owner: Berrane Enterprises, Inc.
- Location: 905 Denbigh Boulevard (Route 173)
- Area: 5.83 acres
- Frontage: 448.50 feet on Denbigh Boulevard (Route 173)
- Utilities: Public water and sewer service not available; property is served by a private well and a private septic system
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: RIP's convenience store
- Surrounding Development:

North: None; approved Colony Pines of York planned development site beyond
East: Dominion Virginia Power lines; vacant property beyond

South: None; approved South Park planned development site beyond (across Denbigh Boulevard)
West: None; Colony Pines subdivision beyond in the City of Newport News

- Proposed Development: Mini-storage warehouses

BACKGROUND

On April 17, 2001, the Board approved an application for a Special Use Permit to authorize the establishment of a mini-storage warehouse facility on the 5.83-acre RIP's convenience store parcel on the north side of Denbigh Boulevard. Pursuant to Section 24.1-115(c)(1) of the Zoning Ordinance, use permits automatically expire two years after adoption if the special use has not been established. A use is considered to be established if all necessary foundation work has been completed and construction work is continuously and diligently pursued under a valid building permit. A one-year extension was approved by the Board in 2003 and the property owner has requested that the Board amend the use permit by again extending the time limit to accommodate the completion of utility construction that will serve the area.

Section 24.1-115(d)(2) of the Zoning Ordinance states that the Board may approve minor modifications to the conditions of an approved and currently valid special use without a public hearing provided that the following four criteria are met:

- There will be less than a 25% increase in either total lot coverage or floor area;
- There will be no detrimental impact on any adjacent property caused by significant change in the appearance or the use of the property or any other contributing factor;
- Nothing in the currently valid special use permit precludes or limits such expansion or enlargement;
- The proposal is consistent with the Zoning Ordinance and the Comprehensive Plan.

This request meets these criteria and is therefore being processed as a minor amendment. Such amendments do not require prior review by the Planning Commission.

CONSIDERATIONS/CONCLUSIONS

The approved mini-storage warehouse facility will be located behind RIP's convenience store on Denbigh Boulevard adjacent to the future site of the Colony Pines of York planned development, which was approved by the Board of Supervisors in 1993. Development of Colony Pines has yet to occur, primarily because of wetlands issues that have required the project to be redesigned, with a consequent reduction in the proposed number of lots from 404 to approximately 250. After working with the Army Corps of Engineers to address the wetlands issues, the developer submitted revised plans for

Colony Pines Section 1 in October 2001, and, following several rounds of plan review and revision, the development plan was approved by the County on January 27, 2003. Section 1 will consist of 137 single-family lots, with an additional 88 lots planned in the second phase of the development. With an approved development plan, the developer of Colony Pines is free to proceed with construction of all required public improvements, including utilities.

The development schedule for Colony Pines is significant because construction of the mini-storage facility is contingent on the extension of public water to serve the residential development. There is no public water currently available along this segment of Denbigh Boulevard. The RIP's store is served by a private well. For purposes of fire protection, the developer of the mini-storage facility is required, as a condition of the use permit, to connect to public water at such time as it becomes available. The approving resolution also gives the developer the option, either as an interim measure or in the event that water is not extended, of installing an alternative means of fire suppression, such as an on-site water storage system (e.g., a tank or a pond) or some other arrangement acceptable to the York County Department of Fire and Life Safety. Since public utilities will be extended to this area in conjunction with the construction of Colony Pines, the applicant plans to connect to that water system. The site plan for the mini-storage facility, submitted to the County on January 14, 2003, indicates that it will connect to the public water supply within 180 days of being notified by the County that waterlines have been extended to the property.

RECOMMENDATION

The original use permit application for this mini-storage facility was approved by the Board in 2001 with recommendations of approval from both the Planning Commission and staff. If this time extension is denied, the applicant will be required to apply for a new use permit, including public hearings and Planning Commission review, in order to construct the mini-storage facility. Since the factors contributing to the approval of the original use permit application (isolated location, low visibility, enhanced landscaping, aesthetic controls, low traffic impacts) have not changed, I do not believe this will accomplish anything other than place an unnecessary burden on the applicant. The applicant's request for an additional extension to allow enough time for the Colony Pines waterline extension to occur appears reasonable, and I recommend that an additional one-year extension be approved. This may be accomplished through the adoption of proposed Resolution No. R04-44. If, however, the Board has concerns that the subject property may no longer be an appropriate location for a mini-storage warehouse facility, then it should deny this application.

Carter/3337

Attachments

- Zoning Map
- Sketch plan
- Letter from Bradley E. Berrane to Mark Carter dated February 27, 2004
- Resolution Nos. R01-64(R) and R03-79(R)
- Proposed Resolution No. R04-44